

CASS COUNTY REPUBLICAN.  
Published Every Wednesday,  
—AT—  
Dowagiac, Cass County, Michigan,  
In the Third Story of Gibbs' Brick Block, corner  
Front and Commercial Streets.  
HOLMES & GREENLEAF, Publishers.  
TERMS—\$2.00 Per Annum.

A discount of 50 cents is made if paid  
strictly in advance. Fifteen cents additional  
charged for postage for papers sent out of the  
county.

### Official Directory.

#### COUNTY OFFICERS.

Sheriff—James H. Stamp.  
Judge of Probate—William P. Bennett.  
County Clerk—Joseph R. Edwards.  
County Treasurer—Solomon L. Van Ness.  
Register of Deeds—Stephen L. George.  
Prosecuting Attorney—Hansen D. Smith.  
Circuit Court Clerk—Geo. Kesham  
and Joseph D. Clarke.  
Surveyor—Amos Smith, Vandalia.  
Coroner—Wm. K. Palmer, David Beardsley.  
The Post Office address of the above officers is  
Cassopolis, with the exception of J. B. Clarke,  
and William K. Palmer, which is Dowagiac, and  
Amos Smith, Vandalia.

#### SUPERVISORS.

Marshall—Andrew F. Carl, Democrat.  
Village—John Hoff, Republican.  
Wayne—Hiram Smith, Greenback.  
Dowagiac—Solomon L. Van Ness, Democrat.  
River View—William M. Pratt, Republican.  
Pekagon—Henry W. Richards, Democrat.  
Ladysburg—Robert H. Wiley.  
Newburg—B. L. Radd, Greenback.  
Porter—Edward T. Mottley, Republican.  
Crisp—Levi J. Reynolds, Democrat.  
Jefferson—Harley R. Bennett, Democrat.  
Howard—J. J. Shaw, Democrat.  
Milton—Wm. H. Olmstead, Republican.  
Oswego—Wm. K. Hopkins, Democrat.  
Masson—J. H. Graham.

#### CIRCUIT COURT.

Judge 2d Judicial Circuit—A. J. Smith.  
Reporter 2d Judicial Circuit—E. L. Kapp.  
The terms of the Circuit Court for the County  
of Cass are held as follows:  
On the first Monday in March.  
On the first Monday in June.  
On the fourth Monday in September.  
On the first Monday in December.

#### BUSINESS DIRECTORY.

W. W. EASTON,  
PHYSICIAN AND SURGEON, office and res-  
idence corner Second and Main Sts. Night  
calls promptly attended. April 7-ly.

B. W. SCHERMERHORN,  
JUSTICE OF THE PEACE, Office in Jew-  
ell's Block, Commercial street, up-stairs.  
April 7-ly.

CYRUS TUTTILL,  
Secretary of the Farmers' Mutual Fire Insur-  
ance Company of Cass County. Office at  
the First National Bank, Dowagiac. 50-ly.

LONDON & LONDON,  
Attorneys at Law,  
Niles, Michigan.  
Dec. 5-ly.

T. N. GLOVER,  
DENTAL, in Music and Book bindings. Special-  
ist agent for the Edison Patent and Edi-  
son Phonograph. Also Stoddard's Musical Library.  
Orders by mail filled. Dowagiac, Mich.  
Dec. 21-ly.

JEWELL BROTHERS,  
DENTISTS.  
All operations warranted. Rooms 2 floor Gibbs' Block,  
corner Front and Commercial Sts. Office  
Dowagiac, Mich. 50-ly.

G. W. ANDREW,  
JUSTICE OF THE PEACE, Office, Front  
St., over Dowagiac, Defendant & Lyle's store  
May 10-ly.

C. W. MORSE, M. D.  
HAS removed his office and residence to first  
door East of Methodist Church.

D. K. BYRNES,  
JUSTICE OF THE PEACE, Pekagon, Mich. Collec-  
tion Office under Masonic Hall. Collections  
promptly attended to. Nov. 19-ly.

Dr. E. A. CURTIS,  
HAS returned to Dowagiac to practice his  
profession. Office at residence near M. E.  
Church. May 7-ly.

G. T. LEE & SON,  
BANKERS.  
Sell Exchange at one-half rates.

J. H. LUDWIG, M. D.  
HOMOEOPATHIC PHYSICIAN, late of St.  
Joseph, Mich., will attend to all calls in  
the premises. Office and residence opposite the  
Disiple church, Dowagiac, Mich. Dec. 24-ly.

JOSEPH S. BACON,  
Lawyer & Money Broker  
Dec. 13, '77-ly Niles, Mich.

H. S. MONMATHER,  
PHYSICIAN and Surgeon. Office and resi-  
dence at the old Dr. Curtis place, corner  
of Division and Pennsylvania Sts., near the Com-  
mercial Hotel.

Dr. T. RIX,  
DENTIST,  
Has removed his

DENTAL OFFICE  
to the rooms formerly occupied by the late  
O. M. Sherwood, over the Store of T. T.  
Stubbins & Co., Front Street,  
Dowagiac, March 26, 1879 8-m

DETROIT  
MEDICAL SURGICAL  
INSTITUTE  
AB. SPINNEY, M.D.  
OFFICE 204 WOODWARD AVE  
DETROIT, MICH.

FURNITURE  
—AT—  
JOHN FRASER'S shop, corner of  
Beeson and Railroad streets, up  
stairs.

Persons about to buy will do well to come and  
see before purchasing. I will give as good bar-  
gains as can be got in Cass county for the money.  
I have on hand a fine lot of

EXTENSION TABLES.  
All my own make. Call and see and satisfy  
yourself.

I also keep on hand choice bedsteads at low  
prices. Chairs or any kind of furniture furnished  
to order from sample at short notice.

A large stock of my celebrated

MILK SAFES  
which I will sell at lowest prices for cash. Lum-  
ber or produce taken in exchange. Also a new  
improved stove for cooking stoves, of my  
own invention. Now winter is coming you will  
better look to your stove and come and see me.  
Sep. 10th-ly.

JOHN FRASER.

# CASS COUNTY REPUBLICAN.

VOL. 23. DOWAGIAC, MICH., WEDNESDAY, JUNE 30, 1880. NO. 14.

8TEEN - 8TY!  
ARRIVED!  
AN IMMENSE NEW STOCK OF  
DRY GOODS  
—AND—  
CLOTHING,  
Hats and Caps,  
Boots and Shoes,  
—AT—  
OPPENHEIM'S  
BLACK CASHMERE, BUNTINGS, SILKS AND SATINS,  
MOMIES, FOULARDS, CAMBRICS, GINGHAMS,  
PRINTS, CRETONNES, HOSIERY, GLOVES, CORSETS,  
Gent's Furnishing Goods,  
MEN'S BOYS' YOUTHS' Suits.

In fact, SUITS for everybody and everybody SUITED. Call and see  
what we have, whether you want to buy or not. No trouble to show  
our Goods.  
M. & P. OPPENHEIM.

## Meat Market.

### THE OLD POPULAR Brick Market

Is now in first-class shape.

I have now made arrangements so  
that in the future I shall give the  
custom department my  
PERSONAL ATTENTION,  
and shall endeavor to give every  
customer just the cut wished for.

I have secured a first-class  
SAUSAGE MAKER  
and can supply all goods in this line  
in first quality and at low prices.

Pork, Corned Beef, Hams  
and Shoulders, home cured  
and first-class.

Highest market price paid for  
STOCK.

Standard Scales close at hand, al-  
ways clean and in good shape. No  
waiting for drafts.

F. M. SANDERS.

## New Livery!

BY  
WM. LARZELERE,

Opposite the Marble Factory.

I NOW HAVE  
GOOD HORSES & CARRIAGES

To let at all times at reasonable figures.

I have a single and double team perfectly  
safe for

Ladies Driving.

FEED, SALE

—AND—  
BOARD!

Good feed kept at all times, and board by the  
day or week at lowest terms.

Good Care Guaranteed.

My motto is  
"Use my horses well and my prices will be  
low."

WILLIAM LARZELERE.  
April 19, 1877-ly.

## DAY'S Kidney PAD.

Does Your Back Ache?

Do you have Pain in the side? Are you un-  
able to Retain or Expel your Urine? Is your  
Urine high colored? Do you have Albuminous  
or Brick Dust Deposits in your Urine? Do you  
suffer from Nervous Debility or Weakness? Do  
you have Painful Urinating? Then your KID-  
NEYS or BLADDER are affected, and you  
should not delay using our Pad at once, for it  
will certainly cure you, when nothing else can.

For sale by druggists, or sent by mail upon re-  
ceipt of price, \$2.00. Send us your address for  
certificates of cures and our look. "How a life  
was saved."

DAY KIDNEY PAD CO., TOLEDO, OHIO  
Send us your address for certificates of cures and our look. "How a life  
was saved."

## Michigan Central Railroad.

Time Table—May 9, 1880.

GOING EAST.

	Mail.	*Kalamazoo.	*Night Express.
Chicago.....	7:00am	4:00pm	9:10pm
Ann Arbor.....	7:50	4:50	10:00
East Lansing.....	8:25	5:25	10:35
Michigan City.....	9:25	6:25	11:35
New Buffalo.....	10:30	7:30	12:40
Grand Rapids.....	11:30	8:30	1:40
Dowagiac.....	12:35	9:35	2:45
East Lansing.....	1:35	10:35	3:45
Ann Arbor.....	2:35	11:35	4:45
Chicago.....	3:35	12:35	5:45

GOING WEST.

	Mail.	*Kalamazoo.	*Night Express.
Chicago.....	7:00am	4:00pm	9:10pm
Ann Arbor.....	7:50	4:50	10:00
East Lansing.....	8:25	5:25	10:35
Michigan City.....	9:25	6:25	11:35
New Buffalo.....	10:30	7:30	12:40
Grand Rapids.....	11:30	8:30	1:40
Dowagiac.....	12:35	9:35	2:45
East Lansing.....	1:35	10:35	3:45
Ann Arbor.....	2:35	11:35	4:45
Chicago.....	3:35	12:35	5:45

GRAND RAPIDS & KALAMAZOO EXPRESS  
Leaves Detroit 4:05 p.m., arriving at Grand  
Rapids 10:30 p.m. and Kalamazoo 9:30 p.m.  
RETURNS, Leaves Grand Rapids 8:40 a.m.  
and Kalamazoo 6:50 a.m., arriving at Detroit  
11:50 a.m.

\*Sunday excepted. (Saturday and Sunday ex-  
cepted.)  
G. P. & T. A. Chicago. Geo. M. Lang, Detroit.

\*Day Express (don't stop) carries mail 12:40 p.m.  
\*Day Express (don't stop) carries mail 3:40 p.m.  
WILLIS ABERGHEIM, Agt.

Mail going East closes at 12:01; going West  
at 3:15. Night mail closes at 7:45 West.

## PERKIN'S WIND MILL.

—THE—  
BEST in the WORLD.

I also put in the  
TUBULAR WELL

of any desired depth.

Have in many throughout the country, all  
of which give excellent satisfaction.

All practical men declare it to be the best well  
in the market.

I refer readers to the following names, the list  
being a few of the ones now using them in the  
country, the well varying in depth from 55 to 130  
feet.

Jacob Gehard, La Grange.  
John Green, Wayne.  
S. Ashcraft, Penn.  
Henry Tietzer, Cassopolis.  
Norman Jarvis, La Grange.  
Dr. H. S. McMaster, Dowagiac.  
Wm. Adams.  
Mrs. O. Knapp, (112 feet) Silver Creek,  
Wm. Sears, La Grange.

Remember I keep Tiling on hand and fill all  
orders promptly.

Lowest terms given on all work in my line  
Call on or Address,  
L. J. PRAY.  
Dowagiac, Mich. Jan. 1, 80-ly.

Do you wish to obtain good and  
valuable Patent on your  
upon Thos. S. Sprague  
& Son, St. Louis,  
Congress St. Detroit, Mich. After  
new Patent Cases, Establish-  
ment, 12 years. Send for pamphlet, free.

Feb. 25, 1880 ly.

### To The Afflicted.

Since the introduction of Kellie's Columbian  
Oil it has made more permanent cures and given  
better satisfaction on Kidney Complaints and  
Rheumatism than any known remedy. Its  
continued series of wonderful cures in all cli-  
mates has made it known as a safe and reliable  
agent to employ against all aches and pains,  
which are the forerunners of more serious disor-  
ders. It acts speedily and surely, always re-  
lieving suffering and often saving life. The  
protection it affords by its timely use on rheu-  
matism, kidney affection, and all aches and  
pains, wounds, cramping, pains, cholera mor-  
bus, diarrhoea, coughs, colds, catarrhs, and dis-  
orders among children, makes it an invaluable  
remedy to be kept always on hand in every  
house. No person can afford to be without it, and  
those who have once used it never will. It is  
absolutely certain in its remedial effects, and  
will always cure when used as directed.  
Call at L. J. Sherwood's or A. Huntington's  
and get a memorandum book giving more full  
details of the curative properties of this wonder-  
ful medicine. April 21-ly.

### A Wonderful Discovery.

For the speedy cure of Consumption and  
all diseases that lead to it, such as stubborn  
Coughs, wheezing, Colds, Bronchitis, Hay  
Fever, Asthma, pain in the side and chest,  
dry hacking cough, tickling in the throat,  
Hoarseness, Sore throat, and all chronic or  
lingering diseases of the throat and lungs.  
Dr. Kellie's New Discovery has no equal  
and has established for itself a world-wide  
reputation. Many leading physicians re-  
commended and use it in their practice. The  
formula from which it is prepared is highly  
recommended by all medical journals. The  
clergy and the press have complimented it in  
the most glowing terms. Go to your drug-  
gist and get a trial bottle for ten cents, or a  
regular size for \$1.00. For sale at Sherwood's  
Drug Store, Oct 15-8m

### Unquestionable.

The Herald, Detroit, Mich., says of War-  
ner's Safe Liver and Kidney Cure: "Its effi-  
cacy in kidney, liver and urinary diseases is  
so fully acknowledged that it is not worth the  
questioning. Bonafide testimonials from  
well known citizens in public and private life  
are evidence enough to convince the most  
stubborn doubter." May 12-8m

### A FREE BOOK of nearly 100 large octavo pages for the sick. Full of valuable notes, —by Dr. B. B. FORT—on Scrofula; Dis- eases of the Breeding organs; Diseases of Men; Diseases of Women; Aches and Pains; Heart Troubles; and a great variety of CHRONIC DISEASES, with evidence that in most cases these diseases are curable. Sent for three cent stamps.

MURRAY HILL PUB. CO.,  
Address: No. 129 E. 28th Street, N. Y.  
March 24-6m.

Physicians freely prescribe the new Food  
Medicine, "Malt Litters," because more nour-  
ishing, strengthening, and purifying than all  
other forms of malt or medicine, while free  
from the objections urged against malt liquors.

### All Indorse It.

The Recorder, American, Geo., says: "Clerks,  
Senators, Representatives, Doctors, Lawyers,  
Judges, and all classes of men and women  
signify by the thousands, and over their own  
signatures, that a remedy has been found for  
Bright's Disease of the Kidneys and for Dia-  
betes, these respectively known as Dr. Warner's  
Safe Kidney and Liver Cure and Warner's  
Safe Diabetes Cure." May 12-8m

### Daughters, Wives and Mothers.

Dr. Marchant's Uterine CATHOLICON  
will positively cure Female Weakness, such as  
Falling of the Womb, Whites, Chronic Inflammation  
or Alteration of the Womb, Incidental  
Hemorrhage or Flooding, Painful, Suppressed  
Menstruation, &c. An old and reliable remedy.  
Send postal card for a pamphlet, with treatment,  
cures and certificates from physicians and pa-  
tients, to H. W. LARKIN & BROS., 127 E. 10th  
St. N. Y. Sold by all Druggists—\$1.50 per bottle.  
Oct. 22-1m.

The Weak, Nervous and Exhausted should  
read the advertisement of Dr. Boesman's  
special specifics for men and women. 28-ly

### Horse Thieves, Beware.

An Association has been formed under  
the name of the "Farmers' Mutual Aid Association," whose  
object is to pursue and arrest at a moment's notice  
all horse thieves. The following are the names  
of the members:

A. J. Myers,  
Wm. H. McCoy,  
W. W. H. H. H.,  
J. J. Hardy,  
Henry Beck,  
Wm. H. Lewis,  
John Miller,  
Edwin Austin,  
Isaac Burk,  
H. W. H. H.,  
J. E. Garwood,  
Leroy Gifford,  
Myron Merritt,  
Moscow V. Gray,  
Henry Pelt,  
Wesley Kinnison,  
R. Conning,  
A. J. Hardy,  
H. J. Hendryx.

This society meets annually on the last Thurs-  
day each year.  
April 14, 1880 ly.

## WARNER'S SAFE REMEDIES

Warner's Safe Remedies are an infallible  
specific for all cases of Chronic Catarrh of the  
Bladder, Gonorrhea, Stricture, Syphilis, Eruptions,  
Scrofula, Eczema, Pimples, Bores, Ulcers, and all  
other diseases of the skin and mucous membranes.  
They are sold by all Druggists and Dealers in  
Medicine everywhere.  
H. H. WARNER & CO.,  
Rochester, N. Y.  
Send for Pamphlet  
Free.

For sale by Ann Huntington, Dowagiac.

\$5 to \$20 per day at home. Samples worth \$5  
sent free. Address: H. H. Warner & Co., Roch-  
ester, N. Y. Nov. 20-ly.

## LIFE OF ZACH. CHANDLER.

Agents Wanted. R. D. S. TYLER & Co., Detroit  
May 19-2m.

\$66 a week in your own town. Terms and full  
details free. Address H. H. Warner & Co., Roch-  
ester, N. Y. Nov. 20-ly.

### Diseases of the Heart.

BY T. CLARENCE PRICE, M. D.

The Heart is a powerful muscular  
organ, having four apartments or  
cavities: its right and left auricle or  
muscular bag and right and left ven-  
tricular or cavity. It is considered  
the centre of circulation. Of its  
muscular power we may have some  
conception when we consider that in  
man the whole quantity of blood is  
estimated at about 28 pounds, and  
that at every pulsation, (which, if  
regular, is about 75 per minute), an  
ounce of blood passes through it.  
Upon this calculation 6 pounds and  
3 ounces of blood pass through the  
heart to the lungs every minute of  
our lives, (this assertion is, however,  
made on mere conjecture.) It is  
very certain that all the blood in the  
body passes through the heart and  
lungs at least every ten minutes—  
six times in every hour—and, upon  
an average, 144 times every twenty-  
four hours, from our earliest infancy  
to decrepitude and childish old age.

In every piece of mechanical in-  
geniousness, however simple or complex  
may be its structure, we find, as in-  
deed, in the heart, a pump, in which  
one great point of attraction or re-  
pulsion; so in the human frame we  
designate the heart, in its simple op-  
erations to be the vital organ, which,  
by its energy and action, gives to  
every fibre of the frame a principle  
peculiar to its immediate function. It  
is the constant spring, or fountain,  
which, emptying itself into those  
thousand little streams of the body  
traverses the whole system and im-  
parts that vigor and animation so in-  
dubitable to the maintenance and  
support of life. This central organ—  
this sole power—which circulates  
the blood, is as liable to disease as  
the other organs of the body. There  
is no disease to which the human  
frame is subject, more intense and  
violent than a functional affection of  
the heart; and, indeed, so dreadful  
are some of the sensations attending it,  
that a patient laboring under its in-  
fluence, described it as a dreadful  
sensations, "approaching to a feeling  
of annihilation," far surpassing any  
degree of pain. I am not able here  
to render a complete analysis of the  
symptoms in attendance on this com-  
plaint, but will mention the more  
prominent of them that occur in the  
early stages of the disease.

An oppression and dimness of  
breathing often amounting to suffoca-  
tion or feeling of approaching  
death. Sometimes a pain is felt over  
the region of the heart, palpitation,  
rapid beating or fluttering motion,  
a feeling of tightness across the chest  
or distress with short breath, which  
is increased upon exertion, especially  
when walking on an ascent or going  
up a pair of stairs, headache, cold  
hands and feet, face pale at times,  
at other times flushed, giddiness, ring-  
ing or buzzing in the ear, faintness,  
shivering, nose bleedings and num-  
bness. The side over the region of  
the heart sometimes enlarges, pulse  
interrupted often stops beating for  
some seconds, sleep confused and  
painful, with unpleasant dreams and  
startlings. The patient is  
restless, easily excited, and when so,  
often unable to speak, quickly fat-  
igued, anxious and nervous. The en-  
tire work of the heart does not occur  
in every case nor all of the above  
symptoms, but more or less are  
present in every case in the com-  
mencement of this disease, becoming  
more and more dreadful as the dis-  
ease advances, terminating often  
when the patient is feeling most well,  
in sudden death. From the great  
number of cases that we daily en-  
counter we are fully convinced that  
diseases of the heart are next in fre-  
quency to diseases of the lungs.

The incessant play of the passions,  
which are excitable to a high degree,  
are calculated to produce many dis-  
arrangements in the healthy action  
of this organ. Whatever tends to  
overwork the heart, thereby produc-  
ing interruptions, also a diminution  
of power, will occasion this disease,  
as indulgence in intoxicating liquors,  
long continued use of stimulants, to-  
bacco, unnatural drains upon the sys-  
tem, rheumatism and other long  
standing ailments, intense study,  
mental depression, application of  
the mind with little bodily exercise,  
great anxiety to be rich, running in  
debt, working, and fretting, trying  
to pay interest, causing vexations,  
troubles and disappointments, etc.  
In the early period of this affection,  
remedial agents can be used that  
will arrest its progress. It is the  
inability of the heart to circulate  
blood with the freedom which the  
animal economy requires, that is the  
cause of diseases of the heart. And  
with this view of the subject every  
means should be used for the pur-  
pose of "facilitating the circulation  
of the blood." When the disease  
has long been neglected and the  
heart itself fixidly implicated, a cure  
is seldom if ever obtained; the dis-  
ease most invariably has a sudden  
and fatal termination. The neces-  
sity of attending to the first symp-  
toms of a disease so sure in its pro-  
gress to destroy life, cannot but be  
seen by all. We are pursuing a sys-  
tem of treatment for the cure of all  
chronic complaints that is of a far  
different character from that usually  
employed—one which cannot fail  
entirely to constitute an assault.  
Clearly, where the intent is formed  
and some not done in performance,

day directs us to the removal of  
causes, and to the laboratory of the  
Vegetable Kingdom for the constitu-  
ents of the reparative progress.

We shall make our visits regu-  
larly for years, and will be for con-  
sultation upon all diseases of the lungs,  
throat, heart, nerves, blood, etc. on  
our next visit, at Dowagiac, City  
Hotel, on Monday (until 2 o'clock)  
the 19th of July.

Below is a summary from the  
Lansing Republican, of the finding  
by the Supreme Court in the Lilly  
case. It will be observed that he  
can be found guilty of no crime but  
assault, and it is not decided, and  
probably the people care but little  
when that will be tried.

The People vs. Thomas J. Lilly. Exceptions  
from Court—Reversed—(Outs Kesham for the  
people; F. J. Atwell and J. J. Van Riper for  
defendant.)

Opinion by MARSTON, C. J.  
Respondent was tried upon an in-  
formation which charged him with  
having made an assault upon one  
Horace McKenzie with an intent to  
kill and murder him. Under instruc-  
tions the defendant was found guilty  
of an assault with intent to commit  
manslaughter. The case comes here  
on exceptions before judgment.

A difficulty had arisen between the  
person claimed to have been as-  
saulted and the father of respondent,  
as to the proper division of certain  
wheat, then being thrashed, and  
which led to blows. The respond-  
ent was struck on the head by Mc-  
Kenzie, and retreated or walked to-  
ward the straw-stack, some 10 or 12  
feet distant. There is some conflict  
in the evidence as to what thereupon  
took place, but as a respondent was  
entitled as a matter of right to have  
the case submitted to the jury under  
instructions applicable to the evi-  
dence, favorable, as well as unfavor-  
able to him, we must for the present  
purpose consider the charge as given  
and refused in view of the evidence  
most favorable to the accused.

After respondent reached the  
straw-stack he turned around, took a  
knife out of his pocket, made some  
threat and advanced towards Mc-  
Kenzie. After he had advanced one  
or two steps he was caught by a by-  
stander, and there is some question  
as to whether the knife was open at  
the time or not, and witnesses testi-  
fied that he was then from 10 to 15  
feet from McKenzie. Respondent

then put his knife in his pocket.  
This practically ended the matter.

The court, as requested by the  
prosecuting attorney, instructed the  
jury: "An assault is an attempt or  
effort with violence to do a corporal  
harm to another; an offer to inflict  
bodily injury by one who is rushing  
upon another in an assault. Although  
the assailant be not near enough to  
reach his adversary, if the distance  
be such as to induce a man of ordi-  
nary firmness to believe that he is  
in immediate danger of receiving  
such threatened injury, and any in-  
tent to commit violence accompan-  
ied by acts which, if not interrupted,  
will be followed by bodily injury, it  
is sufficient to constitute an assault,  
although the assailant may not be  
within striking distance. And in  
this case of Lilly, being within 10, 15,  
or 20 feet from McKenzie, drew his  
knife from his pocket and comman-  
ded to open the same, and started to-  
wards McKenzie in a violent manner,  
threatening that he would do him  
bodily injury, and afterwards advan-  
cing towards him a few steps, and  
while rushing towards McKenzie he  
was stopped by Dillman, Lilly would  
be guilty of an assault."

The court declined to charge that  
"an assault in law is an effort to  
strike or cut within striking distance,  
and if the person started to strike or  
cut McKenzie, and before he got  
within striking or cutting distance  
stopped and voluntarily abandoned  
his purpose, or it before coming with-  
in striking or cutting distance was  
stopped by others, and then aban-  
doned his purpose, it would not con-  
stitute an assault in law." That "in  
order to constitute a crime of assault  
with intent to murder, the attempt  
to strike or cut must be within strik-  
ing or cutting distance, and if the  
prisoner started to strike or cut Mc-  
Kenzie, and before he got within  
striking distance stopped and volun-  
tarily abandoned his purpose, or be-  
fore coming within striking or cut-  
ting distance was stopped by others  
and then voluntarily abandoned his  
purpose, it would not at law consti-  
tute an assault with intent to mur-  
der, as charged in the first and sec-  
ond counts in the information."